

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MARK B. HARRIS,

Plaintiff,

v.

JOSEPH LEHMAN *et al.*,

Defendants.

Case No. C05-5039FDB

REPORT AND  
RECOMMENDATION

**NOTED FOR:  
April 15<sup>st</sup>, 2005**

This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4. On February 2<sup>nd</sup>, 2005 the court entered an Order requiring plaintiff to submit service documents including copies. (Dkt. # 5). Plaintiff has not complied.

Plaintiff was specifically informed that failure to provide the documents would result in a Report and Recommendation that this action be dismissed without prejudice for failure to prosecute. (Dkt. # 5). As plaintiff has not complied with the court's order the court now recommends this action be **DISMISSED WITHOUT PREJUDICE**. A proposed order and proposed judgment accompanies this Report and Recommendation.

Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal rules of Civil Procedure, the parties shall have ten (10) days from service of this Report to file written objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for purposes of appeal. Thomas v.

1 Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule 72(b), the clerk is directed to  
2 set the matter for consideration on **April 15<sup>th</sup>, 2005**, as noted in the caption.

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4 DATED this 17<sup>th</sup> day of March, 2005  
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8 /S/ J. Kelley Arnold  
9 J. Kelley Arnold  
10 United States Magistrate Judge  
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